



Department of Toxic Substances Control



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April 12, 2000

Mr. Tom Conway, Facility Manager
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6290 Sequence Drive
San Diego, California 92121-4358

PERMIT EXEMPTION FOR WASTEWATER RECYCLING SYSTEM

Dear Mr. Conway:

This is in response to your March 7, 2000 letter to the Department of Toxic Substances Control (DTSC) regarding wastewater recycling at the San Diego facility of Applied Micro Circuits Corporation (AMCC) located at 5502 Oberlin Drive. As background, you have supplied DTSC with copies of the following correspondence via electronic facsimile:

May 26, 1992	A form letter from DTSC regarding approval of AMCC's request to withdraw the Initial Notification of Intent to Operate Under Permit-by-Rule because AMCC stated that it was recycling the wastewater onsite pursuant to a recycling exemption/exclusion.
March 3, 1994	A certified letter, with a schematic of the pH adjustment system modifications, from Mr. Randy Brummett, consultant to AMCC, to DTSC requesting a Conditional Authorization for a treatment unit closure with a conversion to wastewater recycling through an elementary neutralization system and a records update to indicate a closure of the AMCC treatment facility.
September 17, 1999	A letter from you to Mr. Peter Neubauer of San Diego County Hazardous Materials Management Division regarding a routine inspection on August 26, 1999, with a schematic of AMCC's neutralization tank and related acid fume scrubber wastewater recycling system.

In your recent letter, you requested written correspondence from DTSC regarding a recycling exemption for the wastewater recycling system at the AMCC San Diego facility. Additional details regarding the recycling operation were verbally provided by your consultant, Mr. Randy Brummett. HSC section 25143.2(c)(2) provides a conditional exemption from permitting requirements for wastes that are recycled and used onsite. It is our understanding that waste acids and caustics from the wafer fabrication manufacturing process are neutralized with magnesium hydroxide or hydrochloric acid. This treated wastewater is then used as make-up water to the onsite fume scrubber. It is important to recycling credibility that the treated wastewaters being recycled to the acid fume scrubber be a **continuous-flow** loop, as opposed to a cyclical or periodic loop for the purpose of periodically blowing down the acid fume scrubber. In a March 23, 2000 conference call with you, Mr. Brummett, and me, you stated that a portion (8460 gallons per day or about 37%) of the neutralized water is pumped continuously through the acid fume scrubber, which would be indicative of a credible wastewater recycling system. In the case that the recycling system is not continuous, but is cyclical or periodic for the purpose of occasionally "blowing down" the acid fume scrubber, such intermittent recycling could be considered an indication of "sham" recycling. Hence, such an intermittent recycling system would be ineligible for any permit exemption.

Generally, the treatment of hazardous wastewater requires a permit, or other grant of authorization¹. However, pursuant to HSC section 25143.2(c)(2), treatment of recyclable materials onsite is exempt from permit requirements when specified conditions are met (i.e., record-keeping, reporting, and notification requirements, as described in HSC sections 25143.2(f) and 25143.10).

The above wastewater recycling system, as described in your correspondence and diagramed on the flow chart that you attached to your letter, would qualify for exemption from permitting requirements under HSC Section 25143.2(c)(2), provided that the following conditions of this section are met:

- (A) The material is recycled and used at the same facility at which the material was generated.
- (B) The material is recycled within 90 days of its generation.

¹ HSC section 25201

Mr. Tom Conway
April 12, 2000
Page 3

- (C) The material is managed in accordance with all applicable requirements for generators of hazardous wastes under this chapter and regulations adopted by DTSC.

A copy of "Excerpts From California's Hazardous Waste Recycling Laws & Regulations" is enclosed for your reference. Please note that any filter cake that may be hauled offsite for recycling is not covered under this exemption, and, therefore, would remain subject to regulation as a hazardous waste, unless excluded from classification as waste pursuant to some other provision of State law. Also, please note that this assessment is based only on the information you provided regarding details of this system. Any change to the recycling system as described could affect the status of the permit exemption.

I hope this clarifies your inquiry about the eligibility of AMCC's wastewater recycling system for a permit exemption. If you have any questions about the preceding discussion or wish further clarification, please call me at (916) 327-4502.

Sincerely,

[Original Signed]
Ken Payne
Resource Recovery Section

Enclosure

cc: Mr. Randy Brummett
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Mr. Tom Conway
April 12, 2000
Page 4

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